

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NOAH SAEEDY et al.,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

No. 2:23-cv-01104-BJR

STIPULATION AND [PROPOSED]
ORDER FOR OVERLENGTH BRIEFING
ON MOTION TO DISMISS

NOTED FOR CONSIDERATION:
September 26, 2023

Plaintiffs Noah Saeedy, Vishal Shah, Tina Wilkinson, and M.S. and Defendant Microsoft Corporation, by and through their respective counsel, stipulate and agree as follows:

1. Plaintiffs initiated this lawsuit on July 21, 2023.
2. Plaintiffs' Complaint is 92 pages and 357 paragraphs long, and has 13 causes of action under Washington, California, and Federal law.
3. Microsoft intends to respond to Plaintiffs' Complaint by filing a Motion to Dismiss that will raise both Article III standing arguments under Rule 12(b)(1) and arguments under Rule 12(b)(6). Microsoft believes it cannot present its Article III standing and Rule 12(b)(6) arguments on the 13 claims within the 15 pages allotted under the Court's Standing Order. Having drafted its papers, Microsoft believes it requires 28 pages to present its arguments effectively. Plaintiffs disagree and believe that a nine-page extension, to 24 pages, would suffice.

STIPULATION AND [PROPOSED] ORDER FOR OVERLENGTH
BRIEFING ON MOTION TO DISMISS (2:23-cv-01104-BJR) - 1

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1 In the interest of compromise, Plaintiffs made offers of 25 pages and then 26 pages. Given
2 Microsoft's representation that it made efforts to shorten its motion to fewer than 28 pages but
3 was unable to do so and would therefore file a motion with the Court seeking 28 pages for its
4 motion, and in the interest of sparing the Court a dispute on this topic, Plaintiffs agreed to the 28
5 pages.

6 4. The parties agree, subject to the Court's approval, that the parties may file briefs
7 of the following length:

8 a. Microsoft's Motion to Dismiss: 28 pages.

9 b. Plaintiffs' Response to Microsoft's Motion to Dismiss: 28 pages.

10 c. Microsoft's Reply in Support of its Motion to Dismiss: 14 pages.

11 5. This case, as it relates to Microsoft's proposed Motion to Dismiss above, meets
12 the Court's requirement of "extraordinary complexity" meriting overlength briefs because of the
13 number of allegations and causes of action, as well as the fact that there are claims under two
14 states' laws and Federal law.

15 IT IS SO STIPULATED.

16
17 DATED this 26th day of September, 2023.

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ORDER

Pursuant to stipulation, IT IS SO ORDERED.

DATED this _____ day of _____, 2023.

Honorable Barbara J. Rothstein